

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN DOE,
Plaintiff,

v.

CLARK UNIVERSITY, DAVID P. ANGEL,
Ph.D., NADJA JOHNSON, Ph.D., LYNN S.
LEVEY, ADAM J. KEYES, HOLLY
DOLAN, EVETTE WALTERS, JEFFREY
McMASTER, CHERILYN BONIN, JANE
SMITH, and DAVIS BAIRD, PROVOST,
Defendants.

C.A. No.: 4:19-cv-40050-TSH

**CLARK UNIVERSITY INDIVIDUAL DEFENDANTS’
MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Local Rule 7.1 of the United States District Court for the District of Massachusetts, defendants David Angel, Nadja Johnson, Lynn Levey, Adam Keyes, Holly Dolan, Evette Walters, Jeffrey McMaster, Cherilyn Bonin, and Davis Baird (the “Clark Individual Defendants”)¹ hereby move to dismiss Count I, Title IX – Gender Discrimination of the Complaint filed against them by the plaintiff, John Doe.

For the reasons stated in the accompanying Memorandum of Law, there is no private right of action against individuals under Title IX and the Complaint lacks sufficient legal or factual support to maintain a Title IX claim against the Clark Individual Defendants.

WHEREFORE, the Clark Individual Defendants respectfully request that the Court grant their motion to dismiss, with prejudice, Plaintiff’s Title IX claim against each of the Clark Individual Defendants, pursuant to Fed. R. Civ. P. 12(b)(6).

¹ The Clark Individual Defendants are current or former employees of Clark University. As such, they are referred to in this Motion to Dismiss as the “Clark Individual Defendants.”

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), the Clark University Individual Defendants respectfully request a hearing on this motion.

Respectfully submitted,

DAVID P. ANGEL, NADJA JOHNSON, LYNN
S. LEVEY, ADAM J. KEYES, HOLLY
DOLAN, EVETTE WALTERS, JEFFREY
McMASTER, CHERILYN BONIN, JANE
SMITH, and DAVIS BAIRD,

By their attorneys,

/s/ Katrina N. Chapman

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Dated: August 29, 2019

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I hereby certify that, as counsel for Defendants David Angel, Nadja Johnson, Lynn Levey, Adam Keyes, Holly Dolan, Evette Walters, Jeffrey McMaster, Cherilyn Bonin, and Davis Baird, I have conferred with Plaintiff's counsel in a good faith effort to resolve or narrow any issues related to this motion.

/s/ Katrina N. Chapman

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Dated: August 29, 2019

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to the attorney of record for each party indicated as non-registered participants on this 29th day of August, 2019.

/s/ Katrina N. Chapman

Katrina N. Chapman